

The regular monthly meeting of the City Planning Board was held on January 21, 2009 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Swope, Dolcino, Foss (who arrived at 7:02 PM), Hicks, Meyer, and Shurtleff. Messrs. Woodward and Henninger, Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:01 PM a quorum was present and the Chair called the meeting to order and announced that the application by the **LAT Holding Company** for approval of a site plan for property at **20 Break O'Day Drive**, and the application by **Tropic Star on behalf of Burger King Corporation, the Hall 2001 Family Revocable Trust, Jean B. Chase, and Dale G. Fifield** for approval of a site plan of property at **36 Burns Avenue, 9 East Side Drive, and 155 and 157 Loudon Road** had been postponed at the request of the applicants.

APPLICATIONS

Minor Subdivisions

1. Application by the **Joseph Jaworski 2001 Revocable Trust, and Kenneth and Elisabeth Carter** for approval of a subdivision and re-subdivision at **12 Oak Hill Road and 15 and 31 Appleton Street. (#2009-02)**

Determination of Completeness

Ms. Hebert explained this proposal to annex 10,028 square feet from the property at 15 Appleton Street to the property at 31 Appleton Street, and to annex 10,028 square feet from the property at 31 Appleton Street to the property at 12 Oak Hill Road, and then to subdivide the parcel at 12 Oak Hill Road to create an additional residential building lot.

She reported that the application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to annex 10,028 square feet from the property at 15 Appleton Street to the property at 31 Appleton Street, and to annex 10,028 square feet from the property at 31 Appleton Street to the property at 12 Oak Hill Road, and then to subdivide the parcel at 12 Oak Hill Road to create an additional residential building lot.

She reported that the applicant has also requested a waiver to Section 8.04 of the Subdivision Regulations to allow the application to be submitted without a survey of the entire 22.4 acre parcel at 31 Appleton Street. Section 8.04 of the Subdivision Regulations requires that minor subdivision plats be surveyed to an error of closure not less than 1 in

10,000, but for properties greater than 12 acres, a measurement by compass and tape may be made with an error of closure not less than 1 in 500. She reported that staff does not support the waiver request. At a minimum, the subdivision plat should be drawn to the lesser standard allowed by the Subdivision Regulations. The applicant is not simply adjusting a lot line between two parcels, but is also creating a new residential lot.

Mark Sargent from Richard D. Bartlett & Associates and Leon Jaworski, Trustee of the Joseph Jaworski 2001 Revocable Trust, were present on behalf of the applicants to answer questions from the Board.

Mr. Jaworski asked that they not be required to survey the entire twenty-two acre parcel. He reported that much of the property has already been surveyed and marked.

Mr. Sargent explained that the existing house at 31 Appleton Street is located in the middle of the property so no additional lots can be created.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 7:11 PM.

Deliberations and Action on Application

Mr. Swope asked what purpose would be served by requiring the entire property to be surveyed, and Mr. Woodward responded that it would provide a record of the new boundaries of the property and prove that they are indeed accurate. He explained that the recorded plat becomes a part of the chain of title of subdivided property, and if the parcel is not surveyed as part of the subdivision application, then a part of the record of the property title will be missing. He reminded the Board that the regulations make provision for just this type of application where small pieces are proposed to be subdivided from a large parcel, and a less intensive survey requirement applies to these situations.

Ms. Meyer moved that the Planning Board deny the waiver request to Section 8.04 of the City's Subdivision Regulations to allow the subdivision plat to be submitted without providing a complete boundary survey of the property at 31 Appleton Street. Mr. Swope seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the "Subdivision and Resubdivision Plat of the land of Joseph Jaworski 2001 Revocable Trust & Kenneth & Elisabeth Carter" subject to the following standard and special conditions

Standard Conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services, Subsurface Systems Bureau, Subdivision Approval
3. Traffic, recreation and school impact fees shall be assessed for any construction on the new lots contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. School Facilities – Single Family Residence
 - b. Recreational Facilities – Single Family Residence
 - c. Transportation Facilities - Single Family Residence

Special Condition:

4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the subdivision plat drawings to include a boundary survey of the property at 31 Appleton Street. The survey may be made by a compass and tape survey at an error of closure not less than 1 in 500.

Ms. Meyer seconded. Motion carried.

2. Application by **Burger King Corporation, the Hall 2001 Family Revocable Trust, Jean B. Chase, and Dale G. Fifield** for approval of a subdivision and re-subdivision of property at **36 Burns Avenue, 9 East Side Drive, and 155 and 157 Loudon Road. (#2009-03)**

Determination of Completeness

Mr. Henninger explained this proposal to enlarge a parcel at the northwest corner of East Side Drive and Loudon Road from 1.71 acres to 2.10 acres by combining two commercial lots at 155 & 157 Loudon Road and a portion of two residential lots on Burns Avenue.

He reported that the application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Mr. Henninger explained this proposal to enlarge a parcel at the northwest corner of East Side Drive and Loudon Road from 1.71 acres to 2.10 acres by combining two commercial lots at 155 & 157 Loudon Road and a portion of two residential lots on Burns Avenue. He explained that one residential lot on Burns Avenue will be reduced from 13,562 square feet to 11,365 square feet and a second residential lot at the corner of East Side Drive will be reduced from 16,305 square feet to 13,449 square feet. The balance of these properties will be added to 155 & 157 Loudon Road.

He reported that the proposed 2.10 acre commercial parcel on Loudon Road is the subject of a companion site plan application by Tropic Star Development which proposes to demolish the existing Burger King at 155 Loudon Road and the American Brake Service Building at 157 Loudon Road and to construct a smaller Burger King Restaurant on the west side of the new parcel and a CVS Pharmacy on the east side of the new parcel. The site plan application has been filed and is expected to be considered for completeness at the February 18, 2009, meeting of the Planning Board.

He reported that the applicants had submitted a request for a waiver to allow the application to be submitted at a scale of 1"=30' rather than 1"=50'. This is a reasonable request given the small size of the lot.

Mr. Henninger explained that the existing buffer between the commercial lots on Loudon Road and the abutting residential lots to the north along Burns Avenue is in poor condition and needs to be enhanced if the redevelopment of the commercial property is delayed. The applicant's agent expressed a concern with the proposed special condition in regard to the buffer fence that, if the redevelopment of the property did not occur and the applicant did not take title to the property, they would still be required to complete the improvement. Planning staff advised that if the project was abandoned before plat recording, the condition was irrelevant. If the plat was recorded and development was subsequently delayed, the applicant could request additional time from the Planning Board to install the buffer fence. The applicant does not intend to record the plat until the companion site plan is approved and suggested that the condition be revised so that the deadline for installing the fence would be six months from the date of recording of the plat. The Planning staff had no objection to the proposed revised condition.

Attorney Richard Uchida from Orr & Reno was present on behalf of Tropic Star Development to answer questions from the Board.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 7:22 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant a waiver to Section 8.04 (2)(a)(ii) of the City's Subdivision Regulations to allow the subdivision to be submitted at a scale of 1"= 30' instead of 1"= 50'. Ms. Meyer seconded. Motion carried.

Ms. Dolcino moved that the Planning Board grant final subdivision approval for the "Resubdivision Plan for Tax Map 114D Block 3 Lots 7, 8, 9, &10", prepared for Tropic Star Development LLC subject to the following standard and special conditions.

Standard Condition

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Special Conditions

2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plan to show the required dedication of right-of-way along East Side Drive as determined by the Planning Board as part of their review of the companion site plan for Burger King and CVS Pharmacy.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. Additional right-of-way for East Side Drive along the subdivision frontage as may subsequently be required by the Planning Board.
4. If the redevelopment plan does not commence within six months from the date the plat is recorded, the applicant shall construct a six foot tall opaque buffer fence along the entire north property line of the 2.10 acre commercial property. The fence shall not be required in the 10-foot front setback along East Side Drive (RH Zone setback), but shall be required to be extended on the west property line along the RH/CG boundary line.

Mr. Shurtleff seconded. Motion carried.

Major Site Plans

3. Application by the **LAT Holding Company** for approval of a site plan for property at **20 Break O'Day Drive**. Along with this application are requests for Conditional Use Permits pursuant to Section 28-4-3(d), Disturbance to a Wetland Buffer, Section 28-7-11(b), Construction of Fewer Parking Spaces, and Section 28-7-11(d), Additional Compact Spaces, of the Zoning Ordinance. **(#2008-62)**

4. Application by **Tropic Star on behalf of Burger King Corporation, the Hall 2001 Family Revocable Trust, Jean B. Chase, and Dale G. Fifield** for approval of a site plan of property at **36 Burns Avenue, 9 East Side Drive, and 155 and 157 Loudon Road. (#2009-04)**

The Chair reminded the Board and members of the audience that these applications had been postponed at the request of the applicants.

Conditional Use Permits

5. Application by **Liberty Trust on behalf of Bradford Dunlop** for a Conditional Use Permit (CUP) pursuant to Section 28-2-4(j), Table of Principal Uses, L-4, Materials Recycling and Processing, of the Concord Zoning Ordinance on property at **134 I Hall Street. (#2009-01)**

Determination of Completeness

Mr. Henninger explained this request for approval of a Conditional Use Permit to allow a materials recycling and processing facility pursuant to Section 28-2-4(C), Use Permitted by Conditional Use Permit, Table of Uses, L4, Materials Recycling and Processing, in the rear bay of a multi-tenant industrial warehouse facility on Hall Street.

He reported that the application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Mr. Henninger explained this request for approval of a Conditional Use Permit to allow a materials recycling and processing facility pursuant to Section 28-2-4(C), Use Permitted by Conditional Use Permit, Table of Uses, L4, Materials Recycling and Processing, in the rear bay of a multi-tenant industrial warehouse facility on Hall Street.

He explained that, in addition to the materials processing and recycling, the tenant also proposes to undertake automobile service and repair functions in this bay and to store vehicles waiting to be serviced or repaired in a rear fenced storage area. This use is allowed by right in the Industrial Zoning District.

He reported that the applicant has already occupied the property and is currently in operation. The fenced storage area and bay of the building was previously used for both vehicle storage and repair by the US Army Reserve. The number of vehicles currently stored on site is less than was shown on the 2000 and 2005 aerial photos.

He explained that the recycling business involves the recycling of cardboard and nonferrous metals, primarily batteries and catalytic converters. The nonferrous metals

are of high value, will not be stored outside, and require no processing. There may be vehicles waiting for insurance company or law enforcement release from accidents which would be sold for scrap with all fluids going with the vehicle. There will be no vehicle processing for scrap on the property. Used tires may be stored outside as part of the towing and repair business until sufficient quantity is accumulated for a truckload to be sold for reprocessing elsewhere. He explained that the only processing of materials contemplated would be the baling of cardboard inside the building and loading the bales into a trailer truck. There will be no manufacturing or testing of materials onsite. No waste will be stored other than the standard items from auto repair and servicing, which will only occur inside.

He reported that opaque fencing has been installed inside the northerly chain link fence. The west and south sides are adequately screened by natural woods and wetlands which will not be disturbed by this use. The east side is 700 feet from the street and is blocked by the building and many parked cars and trucks.

Brad Dunlop from Dunzzo Recycling was present as applicant to answer questions from the Board.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 7:28 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant a Conditional Use Permit for Liberty Trust and Bradford Dunlop pursuant to Section 28-2-4(C), Use Permitted by Conditional Use Permit, Table of Uses, L4 Material Recycling and Processing, to be operated in Unit I at 134 Hall Street subject to the following conditions:

1. All City and State Licenses shall be obtained for the proposed use and said licenses shall be maintained for the life of the use.
2. The proposed use shall be operated in compliance with all City, State and Federal regulations applicable to said use.
3. Conditional Use Permit shall be terminated when the use is discontinued for a 60 day period, or when required City and State operating licenses lapse, or notice of violation of state and federal operational standards are submitted to the owner/operator and the conditions are not satisfactorily addressed in the time frame set forth in the notice of violation.

Ms. Meyer seconded. Motion carried.

6. Application by **Manchester Sand, Gravel & Cement Company** for a Conditional Use Permit (CUP) pursuant to Section 28-5-26, Earth Materials Removal, of the Concord Zoning Ordinance for renewal of its current CUP for the excavation of gravel property on **Sheep Davis Road**. (#2008-58)

Determination of Completeness

Ms. Hebert explained this request for renewal of the original Conditional Use Permit pursuant to Section 28-5-26, Excavation of Earth Materials, of the Zoning Ordinance, to continue a gravel mining operation for up to an additional three years.

She reported that the application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Ms. Hebert explained that Manchester Sand, Gravel & Cement Company received approval from the Planning Board in 2002 for a Conditional Use Permit to operate a gravel pit on property at 210 Sheep Davis Road for a three-year period. The Conditional Use Permit was renewed in 2005 for a second three year period. The applicant has now applied for another renewal of the original Conditional Use Permit pursuant to Section 28-5-26, Excavation of Earth Materials, of the Zoning Ordinance, to continue the gravel mining operation for up to an additional three years.

She reported that, in the original approval of this Conditional Use Permit, the applicant was granted variances by the Zoning Board of Adjustment to reduce the setbacks for earth materials removal as specified in Section 28-5-26, Earth Materials Removal, of the Zoning Ordinance, and to allow earth materials removal in the Shoreland Protection District where it is otherwise not permitted.

She reported that RSA 155-E: 4-a. I. prohibits excavations below road level within 50 feet of the right-of-way of a public highway unless the excavation is for the purpose of the highway. RSA 155-E: 5-b, allows the applicant to ask the Planning Board to grant an exception to the standards in 155-E:4-a for good cause shown. During the review of the original application, a communication from the NH Department of Transportation was received that indicated there was no objection to the setback reduction along the Old Sheep Davis Road right-of-way because this is a wider right-of-way, and the applicant received approval from the Planning Board to encroach within 50 feet of the Old Sheep Davis Road right-of-way, which is a State highway.

Ms. Hebert reported that, at the time of the original application, the Conservation Commission met with the applicant on the site and Commission recommended that the re-vegetation along the Soucook River be extended to a 100-foot width, and that an area of 75 feet in width from the river be encumbered by a conservation easement. The applicant agreed to comply with these recommendations. A conservation easement has been conveyed to the city and, although some pine saplings have been planted within the buffer, the re-vegetation will not be completely implemented until the gravel pit is

reclaimed. A financial guarantee for the reclamation of the gravel pit has been updated and will remain in effect for one year past the permit period, until 2012.

She reported that, in 2002 the Conservation Commission considered a request from the Planning Board for a report relative to the potential impacts of the excavation on the aquifer, and to advise the Board as to whether or not a study should be prepared by a hydrogeologist to evaluate the site. At that time the Commission indicated that, other than possible spills which occur during on-site refueling operations and which can be controlled through spill protection measures, the most substantial potential impact to the aquifer is likely to be from the future use of the site once the excavation has been completed, and not from the excavation itself. The Commission recommended that the Board require a concrete pad with spill protection for refueling operations. The Commission did not recommend that a study be prepared by a hydrogeologist to evaluate the potential impacts of the excavation on the aquifer. A concrete pad has been provided for the occasional refueling of vehicles onsite, but there is no permanent pump station for refueling on the property.

She reported that the Board, at the time of the original application, declared this to be a Development of Regional Impact. The Central New Hampshire Regional Planning Commission and the Town of Pembroke Planning Board were both notified, and both sent responses which were provided to the Board. The Pembroke Planning Board raised concerns about potential adverse effects on the aquifer underlying the area and protection of the shoreland of the Soucook River. The Town of Pembroke has two downstream wellfields, one of which is just south of this site, across the Soucook River and on the other side of Route 106. As this application is for the renewal of a previously granted permit, another notification of regional impact is not deemed necessary and not recommended.

Ms. Hebert reported that the property was rezoned during the Master Plan review and rezoning of DZ-5 in 2003, placing the land that had previously been zoned as Industrial into an Office Park Performance District. The use became non-conforming in the OFP District, but the current request is to renew the previously issued permit and to continue what became a pre-existing, non-conforming use.

Attorney David Campbell representing Manchester Sand, Gravel & Cement Company, Ron Corriveau from the Company itself, and David Brouillet from Holden Engineering & Surveying, Inc. were present on behalf of the applicant.

Attorney Campbell reported that the applicant has no objection to the proposed conditions of approval. He also reported that the applicant has a lot of experience in using gravel pits and then preparing them for further development. They also fully expect that this project will be completed within the three-year term of this Conditional Use Permit.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 7:38 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board

1. Grant the Conditional Use Permit, subject to the following conditions:
 - a. In accordance with the provisions of Section 28-5-26 of the Zoning Ordinance, the permit shall be valid for a period of three more years from the date of the vote of the Board.
 - b. The re-vegetation along the Soucook River shall extend to a depth of 100 feet from the shoreline, and shall be established as part of the reclamation of the completed operation and shall be included in the updated cost estimate for the reclamation of the site.
 - c. The applicant shall provide a planting schedule the proposed re-vegetation of the 100-foot buffer to the Shoreline. The list shall include the type, size, and quantity of proposed plants and shall be approved by the Planning Division.
2. Pursuant to its authority under RSA 155-E: 5-b, the Planning Board reaffirms and grants an exception to the standards in 155-E:4-a I, with respect to the 50-foot setback from a public highway, so as to allow a 25-foot setback along the Old Sheep Davis Road right-of-way.
3. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. Renewal of the NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)

Mr. Shurtleff seconded. Motion carried.

Architectural Design Review

7. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances.
 - **Jackson Hewitt Tax Service** at 374 Loudon Road (2 signs)
 - **204 Fisherville Road for Cooper Tires, First Impressions Custom Cars, and All Tune Motor Lube.** (1 sign)

The Chair opened the hearings on both the above sign applications.

- **Jackson Hewitt Tax Service** at 374 Loudon Road (2 signs)

Mr. Henninger explained this proposal for a new panel in an existing freestanding sign, as well as a new affixed sign on the building. He explained this was in keeping with the pattern of existing signs at this retail center. The proposed sign is to be internally illuminated and placed in a manner similar to the other affixed signage at this plaza.

He reported that the Design Review Committee found the proposed design and placement of the sign to be appropriate for the location and use, and recommended approval subject to the suggestion that the affixed sign be resized to provide space around the edges.

There was no one present on behalf of the applicant.

Mr. Swope moved approval subject to the suggestion that the affixed sign be resized to provide space around the edges. Ms. Meyer seconded. Motion carried.

- **204 Fisherville Road for Cooper Tires, First Impressions Custom Cars, and All Tune Motor Lube.** (1 sign)

Mr. Henninger reported that a signage package for this property had been reviewed in September and recommendations made by the Design Review Committee. The Planning Board had adopted the Committee's recommendations and had not acted on the freestanding sign, as it was felt the proposed signage was cluttered, confusing and unattractive. A new design has now been submitted for review. He explained that since the time of initial review, the First Impressions business that was using the lower panel of the freestanding sign had left the building, and the applicants had returned to a green panel for the existing self-storage business in the lower panel.

The current proposal for the freestanding sign is the All Tune Lube sign in white with black letters on the upper half of the upper panel, a changeable message panel in the middle of the sign, and a lower panel that returns to the Self-Storage business in green with white lettering.

He reported that the Design Review Committee found the proposed design and placement of the sign to be appropriate for the location and use and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

Amendment to the Master Plan

8. Consideration of an **amendment to the Future Land Use Plan and Land Use Section of Master Plan 2030** so as to change the future land use category from Office Park (OP) to Industrial (IN) in the area westerly of Route 106 that is southerly of Chenell Drive to the top of the bluff above the Soucook River.

Public Hearing

Mr. Woodward explained that the City Council had referred to the Planning Board a communication from Richard Uchida, on behalf of Gerald P. McCarthy, Trustee for the Chenell Drive Trust, with a proposal for the rezoning of property located at 44 Chenell Drive in Concord.

He reported that the parcel at 44 Chenell Drive was included with the 2002-2003 review of the so-called Development Zone 5 (DZ-5) which included land southerly of Chenell Drive to the top of the bluff over the Soucook River, from a point easterly of end of the Runway 12/30 to Route 106. This land had been released as part of the Airport Master Plan for economic development purposes. The Planning Board held a public hearing in December 2002 on an amendment to the Master Plan to re-designate this area from a Conservation Open Space land use category to an Industrial Park land use classification. The Board followed with a recommendation for a rezoning of the area to an Office Park Performance District as a means of enhancing the tax base and tax return to the City on the investment in the new street and utility infrastructure. Amendments to the text of the ordinance were also recommended by the Board to add new supplemental standards as Section 28-5-45, Manufacturing Uses in the Office Park Performance (OFP) District. These zoning changes were subsequently adopted by the City Council.

In the summer of 2004, the Capital Regional Development Council applied for approval of a major subdivision for an area which included the lot that is now 44 Chenell Drive as well as the new Henniker Street and Antrim Avenue. The subdivision was approved, streets were developed and accepted, and the lot at 44 Chenell Drive was sold to the Chenell Drive Trust.

He reported that the Chenell Drive Trust applied for and received approval for a 21,000 square-foot office/manufacturing building designed for six tenants in February of 2006, and a building permit was issued on March 14, 2007.

In November 2006, CRDC returned to the City with another rezoning proposal for some of the lots on Henniker Street and Antrim Avenue to be removed from the Office Park Performance District and included in the Industrial District. The Board reviewed this request and made recommendations in January 2007. Four lots on the west side of Henniker Street were proposed to be rezoned to Industrial with a set of covenants to be recorded by CRDC that would limit the area of outside storage as a means of ensuring investment in buildings and otherwise taxable improvements, and would impose some standards related to chemical storage for protection of the underlying aquifer. The City Council subsequently adopted this recommendation.

Mr. Woodward reported that, at present the property at 44 Chenell Drive remains in the OFP District. One of the tenant spaces had been occupied for a number of months with a wholesale/distribution use with accessory retail sales which are not permitted uses in the OFP District. The owner applied for a variance from the Zoning Board of Adjustment in November of 2008, and the ZBA tabled the request while suggesting that the applicant seek a rezoning.

He reported that the new Master Plan 2030 shows this lot as remaining in the Office Park land use category on the Future Land Use Map.

He explained that the land area considered by the Planning Board in 2002 and 2003 has not developed in a manner consistent with the vision for an office park. While the former City sand pit and the adjacent PSNH parcel at the east end of Antrim Avenue remain to be developed, the land uses within the Office Park category are more industrial in character such that it appears appropriate to amend the Future Land Use Map to include this area in the Industrial Land Use category. He further noted that in the adoption of Master Plan 2030 by the Board, the Manchester Sand and Gravel parcel easterly of Route 106, was shifted from Office Park to the Industrial Land Use category in recognition of the adjacent industrial land uses easterly of Route 106 in both Concord and Pembroke.

In addition to the Chenell Drive Trust's office and manufacturing building at 44 Chenell Drive, the current area within the Office Park land use category includes the White Mountain Imaging manufacturing facility, the NH Motor Transport Association's office building, and the Land and Sea Dynamometer manufacturing facility. These buildings were developed without the benefit of a unified plan of development as an office park or campus-style setting as called for in the Master Plan for the Office Park category.

He reported that the land uses adjacent to the Office Park category, which are encompassed in the Industrial land use category, include manufacturing, wholesaling/distribution, light industrial, research and development, office, office/warehouse, and bulk fuel storage. Merging the area classified as Office Park with the surrounding Industrial land use category appears reasonable and appropriate and is recommended for action by the Board.

Attorney Richard Uchida was present on behalf of the petitioner and noted that there are industrial uses and industrial style buildings lining the entrance roads to this area, so the theme of the office park setting really has not taken place as expected. Also, the PSNH lines and fuel terminals in the area make it less likely that this property will become the office park that was envisioned.

Gary Donahue, one of the owners of White Mountain Imaging, indicated they did not have any objections to the Master Plan change.

There was no one else who wished to speak for or against this amendment and the Chair declared the hearing closed at 8:02 PM.

Deliberations and Action

Mr. Swope moved that the Planning Board adopt an amendment to the Master Plan to revise the Future Land Use Map so as to convert the Office Park land use classification to an Industrial land use classification in the area westerly of Route 106, southerly of Chenell Drive and northerly of the Soucook River. Ms. Foss seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Swope moved approval of the minutes of the meeting of December 17, 2008 as submitted and Ms. Dolcino seconded. Motion carried.

City Council Referrals

12. Further consideration of a communication from **Richard Uchida on behalf of Gerald P. McCarthy, Trustee for the Chenell Drive Trust**, with a **proposal for rezoning of property located at 44 Chenell Drive**.

Mr. Woodward explained that, inasmuch as the Planning Board has voted to amend the Master Plan, a parallel change to the Zoning Map would be in order, eliminating the Office Park Performance District and including that area within the surrounding Industrial District. It is also recommended that the supplemental standards be amended to incorporate the Master Plan recommendations related to Industrial Districts by eliminating the current provisions as contained in Section 28-5-27, Offices in the Industrial (IN) District, which had required offices in Industrial Districts to have two floors and meet a minimum floor area ratio. It is further recommended that supplemental standards be added to establish a maximum area for outside storage in relation to the area of the gross floor of buildings on the same lot which house the principal use. The new language would be added to Section 28-5-37, Outside Storage of Materials and Inventory.

He explained that the covenant imposed by CRDC in the 2007 rezoning to Industrial of the four lots on Henniker Street and Antrim Avenue contained language related to limiting the lot area devoted to outside storage. This covenant is proposed to be used as the source of language and standards for restricting the extent of outdoor storage in the IN District.

Mr. Swope expressed concern about eliminating the design requirements for offices in the Industrial District. He felt that inappropriate buildings were being constructed in the IN zoning, tying up a considerable amount of land, and the City was not getting the tax revenue it should from that land for which the City had invested in the infrastructure to enable the development of the same. The value was not what it could be for an office park complex. He felt the objective was to generate higher value development and greater tax return. He had no objection to the rezoning provided that the office use design requirements remained.

Mr. Swope moved that the Planning Board recommend to the City Council the amendment of the Zoning Ordinance, including the following changes:

1. An amendment to the Zoning Map to convert the Office Park Performance (OFP) District to an Industrial (IN) District southerly of Chenell Drive.

2. The addition of a maximum area for outside storage in relation to the area of the gross floor of buildings on the same lot which house the principal use, as supplemental standards to Section 28-5-37, Outside Storage of Materials and Inventory.

Mr. Shurtleff seconded. Motion carried.

New Business

13. Annual Review of the Public Capital Facilities Impact Fee Ordinance.

Mr. Woodward explained that the current Public Capital Facilities Impact Fee Ordinance was adopted in June 2001, and contained a requirement that the impact fee tables be reviewed periodically by the Planning Board and revised by the City Council whenever appropriate. It requires a report by the Board's Clerk each year to the City Council with respect to increases in the estimated costs to construct public capital facilities including recommendations for appropriate adjustments to the impact fee tables. Specific sources of cost data and information for updating the fees are cited in the ordinance.

He presented Tables 1, 2, and 3 containing the current as well as proposed new fee schedules for the School, Recreation, and Transportation Facilities Impact Fees. These schedules were developed using the noted data source and the indicated inflationary increase since the base year fees were adopted.

Mr. Drypolcher expressed concern relative to the proposed increase, given the recent downward adjustment in the economy. The increases for the School and Recreation fees are based on indices derived for the calendar year ending July 1, 2008 and required do not take into account the economic collapse in the fall of 2008.

Mr. Swope moved that the Planning Board forward the proposed amendment to the Public Capital Facilities Impact Fee Ordinance reflecting an updated schedule of fees to the City Council, but to recommend that it not be adopted due the economic downturn since the indices were derived. Mr. Shurtleff seconded. Motion carried.

Annual Organizational Meeting

9. Annual Election of Officers

a. Election of a *Chair* for 2009

The Clerk presided over the election and called for nominations for Chair for the ensuing year.

Mr. Swope nominated Gerard Drypolcher for another term as Chair. Ms. Dolcino seconded. There were no other nominations.

Mr. Shurtleff moved that nominations be closed and the Clerk be instructed to cast one ballot for Gerard Drypolcher for Chair for 2009. Ms. Dolcino seconded. Motion carried.

Mr. Drypolcher again presided.

b. Election of a *Vice Chair* for 2009

The Chair called for nominations for Vice Chair for the ensuing year.

Mr. Shurtleff nominated John Swope for another term as Vice Chair. Ms. Dolcino seconded. There were no other nominations.

Mr. Shurtleff moved that nominations be closed and the Clerk be instructed to cast one ballot for John Swope for Vice Chair for 2009. Ms. Dolcino seconded. Motion carried.

10. Annual nominations of two **representatives to the Central New Hampshire Regional Planning Commission (CNHRPC)**.

Mr. Shurtleff moved that Carol Foss be reappointed as representative to the Central New Hampshire Regional Planning Commission. Mr. Swope seconded. Motion carried.

Ms. Meyer moved that Matthew Hicks be appointed as representative to the Central New Hampshire Regional Planning Commission. Mr. Swope seconded. Motion carried.

There was no further business to come before the Board and the meeting adjourned at 8:39 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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